

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	
	)	
<b>Yisroel Lefkowitz</b>	)	
	)	
Serial No.: 09/729,984	)	Group Art Unit: 3688
	)	
Filed: December 5, 2000	)	Examiner: Raquel Alvarez
	)	
For: SYSTEM AND APPARATUS FOR	)	
SELLING INTERNATIONAL	)	
TRAVEL TICKETS IN	)	
COMBINATION WITH	)	
DUTY FREE GOODS	)	

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**SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

In response to the Notice of Non-compliance dated March 29, 2010,  
Appellant submits the following re-submission of §5 of the Appeal Brief. Appellant  
submits this is consistent with the BPAI's citation to MPEP §1205.03.

Appellant hereby submits the Appeal Brief is consistent with  
corresponding requirements. The brief complies with 37 C.F.R. §41.37(c)(1)(v),  
referring to the specification by page and line number.

5. Summary of Claimed Subject Matter

Appellant initially notes, as a preliminary matter, that §5 herein provides a summary of the claimed subject matter of Independent claims 1, 11 and 96 consistent with 37 C.F.R. §41.37(c)(1)(v). Appellant note that §§6 and 7 include separate headings for dependent claims 6, 16 and 20, but submit that these dependent claims are not “argued separately under the provisions of paragraph (c)(1)(vi)” and therefore the present §5, in noting the Independent claims, is in proper compliance.

For clarity, the following claimed subject matter is designated with reference to examples of page and line number citations in the specification.

Claim 1 recites a method of selling international travel tickets in combination with duty free items from a single merchant (*e.g.*, page 10, line 18 – p. 11, line 11), comprising the steps of offering to sell to a customer, over a computer network (*e.g.*, page 24, lines 2 – 19), a specific international travel ticket for travel with a first passenger carrier at a discounted price (*e.g.*, page 10, line 18 – page 11, line 11) and one or more specific duty free items (*e.g.*, page 10, line 18 – page 11, line 11), in conjunction with said offer to sell said specific international travel ticket at said discounted price (*e.g.*, page 10, line 18 – page 11, line 11), requiring said customer to select for purchase as part of a single transaction both the specific international travel ticket and at least one specific duty free item selected from a group of one or more specific duty free items (*e.g.*, page 32, lines 4 – 19), the at least one specific duty free item to be delivered to the customer at or near an exit point or on board the passenger carrier during the travel associated with the specific international travel ticket said merchant having arranged with the first passenger carrier for delivery of the at least one specific duty free item to said customer during the travel

associated with said specific international travel ticket (*e.g.*, page 35, line 16 – page 36, line 11) without the merchant being required to pay at least a portion of a concession fee otherwise charged by the first passenger carrier to merchants for selling or delivering such duty free items (*e.g.*, page 17, lines 3 – 16), said merchant acknowledging said customer's decision to purchase said specific international travel ticket and said at least one specific duty free item (*e.g.*, page 36, line 12 – page 37, line 3), the acknowledgment being made over said computer network (*e.g.*, page 36, line 12 – page 37, line 3), said merchant accepting payment over said computer network from said customer for said specific international travel ticket and said specific duty free item (*e.g.*, page 35, line 16 – page 36, line 11), said merchant delivering said specific international travel ticket to said customer (*e.g.*, page 35, lines 5 – 15), and said merchant advising said customer of the method of delivery of said specific duty free item to said customer (*e.g.*, page 32, line 20 – page 34, line 12), said method of delivery being connected to said customer engaging in the international travel associated with said specific international travel ticket (*e.g.*, page 32, line 20 – page 34, line 12), wherein said merchant determines the discounted price of said specific international travel ticket based at least in part on a dollar value of one or more duty free items (*e.g.*, page 18, line 14 – page 19, line 15) which are or must be purchased from the merchant such that the portion of the concession fee not paid by the merchant on the dollar value is sufficient to allow the merchant to sell the specific international ticket at the discounted price (*e.g.*, page 17, lines 3 – 16).

Claim 11 recites a method of selling duty free items in combination with international travel tickets from a single merchant (*e.g.*, page 10, line 18 – page 11, line 11), comprising offering to sell to a customer, over a computer network (*e.g.*, page 24,

lines 2 – 19), at least one of a plurality of specific duty free items at an offering price (e.g., page 12, line 18 – page 13, line 3), in conjunction with said offer to sell said at least one specific duty free item at said offering price, requiring said customer to select for purchase as part of a single transaction both the specific duty free item and at least one specific international travel ticket to be selected from the group of one or more specific international travel tickets (e.g., page 32, lines 4 – 19), the at least one specific duty free item to be delivered to the customer at or near an exit point or on board the passenger carrier during the travel associated with said at least one-specific international travel ticket said merchant having arranged with the first passenger carrier for delivery of the at least one specific duty free item to said customer during the travel associated with said at least one specific international travel ticket (e.g., page 35, line 16 – page 36, line 11) without the merchant being required to pay at least a portion of a concession fee otherwise charged by the passenger carrier to merchants for selling or delivering such duty free items (e.g., page 17, lines 3 – 16), said merchant acknowledging said customer's decision to purchase said at least one specific duty free item and said at least one specific international travel ticket (e.g., page 36, line 12 – page 37, line 3), the acknowledgment being made over said computer network (e.g., page 36, line 12 – page 37, line 3), said merchant accepting payment over said computer network from said customer for said at least one specific duty free item (e.g., page 35, line 16 – page 36, line 11), said merchant advising said customer of the method of delivery of said at least one specific duty free item to said customer (e.g., page 32, line 20 – page 34, line 12), said method of delivery being connected to said customer engaging in the international travel associated with said at least one specific international travel ticket (e.g., page 32, line 20 – page 34, line 12),

and delivering said at least one specific international travel ticket to said customer (*e.g.*, page 35, lines 5 – 15), wherein said merchant determines the offering price of said at least one specific duty free item such that the portion of the concession fee not paid by the merchant on the offering price is sufficient to allow the merchant to sell the specific international travel ticket (*e.g.*, page 17, lines 3 – 16).

Claim 96 recites a computer implemented method for offering a combination of an international travel ticket and a duty free item to a consumer (*e.g.*, page 10, line 18 – page 11, line 11), the method comprising offering a plurality of international travel tickets and a plurality of duty free items to a customer (*e.g.*, page 10, line 18 – page 11, line 11), allowing the customer to select at least one of the international travel tickets for travel on a first passenger carrier or at least one of the duty free items for purchase (*e.g.*, page 32, lines 4 – 19), if the customer has selected at least one of the international travel tickets, requiring the customer to select at least one of the duty free items to obtain in combination with the selected international travel ticket at a first price (*e.g.*, page 14, lines 8-19), if the customer has selected at least one of the duty free items, requiring the customer to select at least one of the international travel tickets to obtain in combination with the selected duty free item at a second price (*e.g.*, page 17, line 17 – page 18, line 13), selling the at least one selected international travel tickets and the at least one selected duty free items to the customer in a single transaction (*e.g.*, page 32, lines 4 – 19), and arranging for delivery of the at least one selected duty free items to the customer in association with the customer's travel using the at least one selected international travel tickets at or near an exit point or on board the first passenger carrier (*e.g.*, page 35, line 16 – page 36, line 11), wherein the first price and the second price are each determined

such that at least a portion of a concession fee otherwise charged by the first passenger carrier to merchants for selling or delivering such duty free items is not included in the first and second prices (*e.g.*, page 15, line 15 – page 16, line 14).

Respectfully submitted,

/Seth H. Ostrow/

Dated: April 29, 2010

THIS CORRESPONDENCE IS BEING  
SUBMITTED TO THE US PATENT AND  
TRADEMARK OFFICE THROUGH THE  
PATENT AND TRADEMARK OFFICE EFS  
FILING SYSTEM ON April 29, 2010.

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